

ORDINANCE NO. 10-25

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW REPLATTING OF PROPERTY INTO TWO SUBSTANDARD SINGLE-FAMILY LOTS: LOT A, HAVING AN APPROXIMATE WIDTH OF 70 FEET, DEPTH OF 80 FEET AND A TOTAL LOT AREA OF 5,780 SQUARE FEET, MORE OR LESS; AND LOT B, HAVING AN APPROXIMATE WIDTH OF 63 FEET, DEPTH OF 80 FEET AND A TOTAL LOT AREA OF 5,020 SQUARE FEET, MORE OR LESS, WHERE AT LEAST 75 FEET IN WIDTH, 100 FEET IN DEPTH AND A TOTAL AREA OF AT LEAST 7,500 SQUARE FEET ARE REQUIRED FOR EACH LOT, AND WHEN PLATTED, TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE ON EACH LOT, CONTRA TO HIALEAH CODE § 98-499. **PROPERTY LOCATED AT 502 EAST 16 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of February 10, 2010 recommended approval of this ordinance in substantial form.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow replatting of property into two substandard single-family lots: Lot A, having a approximate width of 70 feet, depth of 80 feet and a total lot area of 5,780 square feet, more or less; and Lot B, having an approximate width of 63 feet, depth of 80 feet and a total lot area of 5,020 square feet, more or less, where at least 75 feet in width, 80 feet in

depth and at least 7,500 square feet are required for each lot, and when platted, to allow the construction of a single-family residence on each lot, contra to Hialeah Code § 98-499, which provides in pertinent part: "The minimum building site in the R-1 one-family district shall be one lot or parcel of land containing at least 7,500 square feet of area for each one-family residence. Such parcels or lots shall have an average width of at least 75 feet and shall also have a minimum average depth of 100 feet." Property located at 502 East 16 Street, Hialeah, Miami-Dade County, Florida, zoned R-1 (One Family District), and legally described as follows:

TRACT A, BLOCK 17E, REVISED PLAT OF PORTION OF EIGHTH ADDITION TO THE TOWN OF HIALEAH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 38, PAGE 54, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND THE NORTH ½ OF THAT PORTION OF THE 12-FOOT ALLEY LYING SOUTH AND ADJACENT THERETO, CLOSED AND VACATED FOR PUBLIC USE PURSUANT TO HIALEAH, FLA., ORDINANCE 94-07 (JAN. 24, 1994).

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the

city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

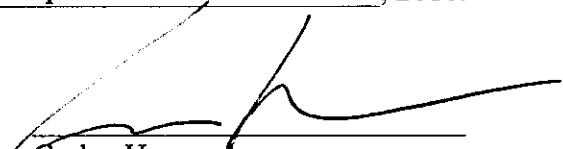
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 13th day of April, 2010.

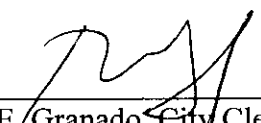
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



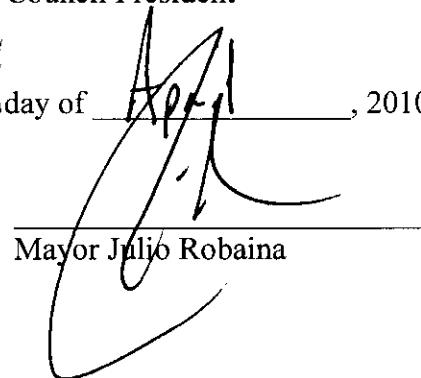
Carlos Hernandez
Council President

Attest:

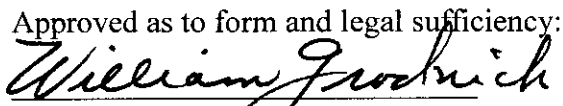
Approved on this 14 day of April, 2010.



Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

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Ordinance was adopted by a 5-0 vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, and Hernandez voting "Yes", Councilmembers Gonzalez and Yedra absent.